

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 13-21) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recalled that the presently claimed invention provides a simple, and quite convenient, article for carrying items for, *e.g.*, baby maintenance equipment, such that the carried items are readily accessible whenever required.

More particularly, the present invention provides a mat, which may be in an “open” or “closed” orientation, which includes a surface having a removable fabric mat and a substantially elongate portion engagable with the removable fabric mat on the surface. Side storage portions are provided, which have pockets for storing items. The side storage portions, when the mat is in its open orientation, extend laterally from, and at least partially along, each length of the substantially elongate portion on opposing sides thereof, so that the mat has a substantially cruciform shape. The mat is foldable and is able to be fastened, via fastening means, in its closed orientation into a portable bag with any items that a user may choose to store in the side storage portions being accessible by opening a top portion of the portable bag. Various means for carrying the mat may also be included.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and efficient mat, which is foldable into a portable bag and which includes side

storage portions for various types of items, with any items stored in the side storage portions being accessible by opening a top portion of the portable bag, formed via folding the mat, when the mat is in its closed orientation, either disclosed or suggested.

By the present amendments, Applicant has amended independent Claim 13 and dependent Claim 15 (and all remaining claims via dependency) to clarify that the structure of the presently claimed mat allows – structurally makes possible – for the storage of items in the inner space of the side storage pockets of the mat, or bag, which would be accessible to the user by opening a top portion of the bag (*i.e.*, the mat when in its “closed orientation”), should the user elect to store items in the inner space of the side storage pockets.

The amendment entered for independent Claim 13 is intended to address the Examiner’s contention of the latest Office Action that a user’s decision to store items in the side storage pockets of the invention is merely the recitation of an intended use, not otherwise entitled to patentable weight. Instead, the claims now recite the ability of a user to store items in the side storage pockets (arising from its structure) and to access any such items so stored via opening a top portion of the mat (or bag) in its closed orientation. A mat capable of being folded for forming a bag, it is respectfully contended, clearly need not have the capability of allowing a user to access an inner storage area by opening a top portion of the bag so created. Such a capability is not inherent in mats having side storage pockets, which can be folded for forming a bag. The claims have now been drafted so that a user has the option of, but need not, store items in

the side storage pockets of the mat and accessing those items, when the mat is in its closed orientation, by opening a top portion of the bag so created. The structure of the present invention, as now claimed, however, allows the user such an option.

Applicant has also amended the “status indicators” of dependent Claims 20 and 21, which inadvertently recited that Claims 20 and 21 were newly added with the immediately preceding *Amendment*, which was not the case. All claims are now submitted to have the correct status indicators.

Accompanying the present *Amendment in Response to the Final Office Action*, Applicant is filing a *Request for Continued Examination* and formal *Petition for a Three-Month Extension* of time for response, and remitting all required fees. Accordingly, the “finality” of the last Office Action should be withdrawn and the foregoing amendments presented herein entered, and considered on their merits, as a matter of right.

Turning now, in detail, to an analysis of the Examiner’s prior art rejection of Applicant’s claims, in the final Office Action the Examiner had rejected independent Claim 13 (and various dependent claims) as being anticipated, pursuant to 35 U.S.C. §102(b), by Lewis, U.S. Patent No. 5,481,767. It is the Examiner’s contention that Lewis discloses a mat capable of being in both open and closed orientations, which includes a surface having a removable fabric mat, a substantially elongate portion engagable with the removable fabric mat, side storage portions having pockets for storing items, and with the mat being foldable, and able to be fastened via fastening means, thereby anticipating the claims enumerated in the Examiner’s 35 U.S.C. §102(b) anticipation rejection.

In reply to the Examiner's anticipation rejection applying Lewis, the applied citation discloses a "multipurpose beach blanket," which when in an open orientation, as best shown in FIG. 3 of the applied citation, cannot fairly be said to be in a "substantially cruciform shape," as recited in Applicant's pending independent Claim 13. It is respectfully contended that none of the drawing figures, nor any portion of the written disclosure, teaches any such shape, as the current Applicant claims. At best, Lewis shows a "strip material," designated by reference numeral 14, which extends perpendicularly from the overall blanket, designated by reference number 10, and which does not form a "substantially cruciform shape."

Further, independent Claim 13 now recites that when the presently claimed mat is in its "closed orientation," and thereby forms "a portable bag," there is "space within said side portions [that is] accessible by opening a top portion of said portable bag." No "items" need be stored in the bag, nor must there be any particular use of the "space within said side portions," however, these side portions are nevertheless "accessible" by opening a top portion of said bag, in contrast to what is not otherwise possible with the cited prior art of Lewis. (Compare Applicant's claim limitation reciting "accessible" with: *C. R. Bard Inc. v. M3 System Inc.*, 157 F.3d 1340, 48 USPQ2d 1225, 1229-1230 (Fed. Cir. 1998) ("freely slidable" claim limitation construed and given patentable weight); *Zeller Plastik, Koehn, Grabne & Co. v. Joyce Molding Corp.*, 698 F.Supp. 1204, 10 USPQ2d 1081, 1091-1092 (D.N.J. 1988) ("freely movable" claim limitation construed and given patentable weight))

In this respect, the blanket taught by Lewis, which may be folded into a wrap-around support carrier, defines a storage member having a plurality of storage pockets, a handle and adjustable shoulder straps. (Lewis, *Abstract*) The wraparound blanket (10) and pillow (35), as best shown in FIGS. 1 and 2 (but which are also visible in the remaining drawing figures), unlike Applicant's presently claimed invention, would not appear to form "side storage portions . . . accessible by opening a top portion of said portable bag," as now recited in pending independent Claim 13. The side sections of the Lewis beach "blanket," again in contrast to the structure of the present invention, as now claimed, would not appear to disclose or suggest "side storage portions," with the article disclosed by Lewis apparently being limited to a convenient means for transporting a beach blanket to, and from, a beach or other leisure location.

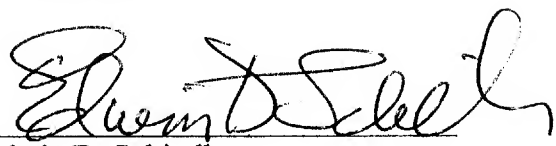
Because it is respectfully contended that the multipurpose beach blanket of Lewis neither discloses nor suggests a manner or capability of folding a mat into a "portable bag" that allows for accessibility to any items that might be stored in the side portions thereof by opening the top of the bag, when folded, and because the "open orientation" has a substantially cruciform shape," which allows for its beneficial accessibility to the inner space of the storage pockets when the mat is in its "closed orientation," it is respectfully submitted that Lewis neither anticipates, nor renders obvious, the present invention, as now claimed. Withdrawal of the Examiner's 35 U.S.C. §102(b) anticipation rejection of the final Office Action is, therefore, respectfully requested.

In view of the foregoing, it is respectfully contended that all claims now pending

in the above-identified patent application (*i.e.*, Claims 13-21) recite novel and efficient mat, which is foldable into a portable bag and which includes side storage portions for various types of items, at the user's option, with any items stored in the inner space of the side storage portions being accessible by opening a top portion of the portable bag formed via folding the mat, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstanding rejection and the allowance of all claims now pending are now respectfully requested and earnestly solicited.

Respectfully submitted,

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- Enc.: 1. Petition for Three-Month Extension of Time for Response;
2. *Request for Continued Examination*, pursuant to 37 C.F.R. §1.114; and,
3. EFT for \$905.00 (*Request for Continued Examination* + Three-Month Extension Fee);

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicants' Attorney (Account No. 19-0450) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.